

RENTAL HOUSING MEDIATION TASK FORCE
MINUTES

March 4, 2009
630 Garden Street
Santa Barbara, California, 93101
7:30 p.m.

1. CALL TO ORDER & ROLL CALL:

LESSA BECK	<u>X</u>	MARSHALL SHERRILL	<u>X</u>
BENJAMIN BUSH	<u>X</u>	BARBARA SMITH SHERRILL	<u>X</u>
SILVIO DILORETO	<u>E</u>	SKIP SZYMANSKI	<u>E</u>
JUSTIN DULLUM	<u>X</u>	SCOTT WEXLER	<u>X</u>
DANIEL HERLINGER	<u>X</u>	BRUCE WOLLENBERG	<u>X</u>

X = Present

A = Absent

E = Excused

Officers: Ben Bush President, Barbara Smith Sherrill Vice President and Lessa Beck Secretary
Staff Present:

2. PUBLIC COMMENT:

The Rental Housing Mediation Task Force (RHMTF) was conducted in compliance with the standards set by the Americans with Disability Act. No members from the public were present to address the RHMTF.

3. APPROVAL OF MINUTES:

Barbara Smith Sherrill made a motion to approve the Minutes of the December 3, 2008, meeting. Marshall Sherrill seconded the motion and it passed. (January and February 2009 meetings were cancelled).

4. CITY COUNCIL APPOINTMENT TO THE TASK FORCE:

A. Welcome: Justin Dullum was appointed on December 16, 2008 to the RHMTF. His appointment in the Tenant category is scheduled to run until December 31, 2012. Justin had already begun his training by participating in a mediation on January 15, 2009.

B. Mediator completed terms: Michael Bifano served from July 25, 2000 until December 31, 2008; Ann Fryslie served from June 28, 2005 until December 31, 2008; and Bill Hurst served from June 28, 2008 until December 31, 2008. On behalf of the City Council and the citizens of Santa Barbara, Mayor Marty Blum provided each mediator with a certificate of appreciation.

5. CERTIFICATE OF RECOGNITION:

Marshall K. Sherrill, Past President: Marshall provided exceptional service as RHMTF President and served two terms from 2006-2008. During his term as President, Marshall assisted in RHMTF Funding Presentations, participated in the acceptance of Mediation Proclamations for the various Municipalities that we service, and successfully mediated for the program. Andrea Bifano stated that Marshall had been very devoted to the RHMTF and had been of great assistance to staff. Current President, Benjamin Bush, presented Marshall with a Certificate of Appreciation in acknowledgement of his many accomplishments.

6. COMMUNITY DEVELOPMENT BLOCK GRANT/ HUMAN SERVICES FUNDING:

A. FY 2009-2010 RHMTF funding application and presentation: The RHMTF funding presentation before the Community Development Block Grant and Human Services Committee was held on February 17, 2009 at 8:00 pm. Benjamin Bush, President, presented the Program's Power Point Presentation before the funding committee. Belen Seara,

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Executive Director of Pueblo provided a testimonial on the success of a mediation that the RHMTF facilitated. She also presented a letter to the committee which stated, "The RHMTF helped 26 families receive a full refund of their deposits and an extension to their evictions, allowing them to stay through the Holidays." Andrea Bifano assisted in answering the ten minutes of questions that the committee presented. On February 25, 2009, the Program received a congratulatory letter which stated that the RHMTF had been recommended for funding in the amount of \$84, 792. This was great news. The money will assist with staffing the Program.

B. City Council Hearing on March 24, 2009 at 6:00PM: The Community Development Block Grant and Human Services Committee are scheduled to present their report and recommendation to the City Council on March 24, 2009 at 6:00PM. Benjamin Bush will be there to thank the committee and to ask City Council to approve the recommended funding to this worthy Program.

7. BY-LAWS:

Interpretation of quorum rule for RHMTF: The general rule for a quorum is a simple majority of the body as a whole; however, other quorum requirements may be established. Currently, the RHMTF has 10 of the 15 members that can be appointed to the board. Staff was concerned about the ability to reach a quorum at each meeting, and requested the assistance of the City Clerk's Office regarding clarification of the RHMTF By-law provision regarding quorum. Section IV, E of the RHMTF By-law states: "a quorum shall consist of a simple majority of all "active" members." We learned, that based upon the language in our Bi-laws, our simple majority shall be established based upon the number of appointed mediators/"active members." For example, if there are only 10 active members, then the quorum would be 6. This was good news for our board. It will lead to less meeting cancellations due to lack of quorum. Given this new information, board members were still encouraged to still show up for all of the meetings, especially since we only hold approximately 6 meetings a year, due to the shortage in staff.

In reviewing the RHMTF By-laws, it was obvious that we need to revise certain sections. We will distribute the RHMTF By-laws at our next meeting and discuss them further at that time.

8. CASELOAD REPORT AND MEDIATION TRAINING: (30 Minutes)

A. *December 2008, January and February 2009 Statistics* The statistical reports were distributed.

B. *Mediations/Skills:* One of the mediations and the Landlord-Tenant fact patterns was discussed, along with the skilled utilized during their resolution, per the Dispute Resolution Programs Act Training Section 3622. (c)(8) *General Review of Fact Patterns Present in Typical Disputes, Including Landlord-Tenant.*

The case was mediated by Dan Herlinger, Leesa Beck and Justin Dullum (trainee). Four landlord representatives and three tenant representatives were present. The issue was termination of tenancy. Skills utilized included: restatement of the parties' points of view, clarifying participants' roles (this mediation was unusual in that primarily the attorneys spoke for the parties), acknowledgement of the parties' commonalities, use of board to clarify points

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of agreement, building consensus, and using caucus to perform reality checks. The mediation was successful and a Binding Settlement Agreement was written and signed by all parties. The evaluations from the parties stated that the mediators were absolutely fair and unbiased and rated the mediators and the process as excellent.

C. Training Certificates: Training certificates were provided to: Leesa Beck, Ben Bush, Daniel Herlinger, Marshall Sherrill, Barbara Smith Sherrill, Skip Szymanski (not at meeting would be given his certificate at a later date), Scott Wexler and Bruce Wollenberg.

9. ANNOUNCEMENTS:

Santa Barbara City College (SBCC) Outreach: In February Ann Frysle performed an outreach at Santa Barbara City College. Many students were interested in receiving Tenants' Rights Books, and expressed a possible need for further services at the end of the school year, when most of them move out of their rentals. It was therefore suggested that late April or May might be a good time for a future SBCC outreach.

Casa de la Rasa Outreach: On February 22, 2009, PUEBLO Educational Fund held a workshop, "Know Your Rights as a Tenant." Four simultaneous classes were provided. Andrea Bifano conducted a class on Habitability and Repair.

Mediation Proclamation: Staff shared that there would not be a Mediation Proclamation this year. Instead, on October 15th, the RHMTF will participate in a Conflict Resolution Proclamation.

The next meeting of the RHMTF will be held on Wednesday, May 6, 2009.

10. ADJOURNMENT:

The RHMTF adjourned at 8:30pm.

Minutes respectfully submitted by Leesa Beck, Secretary.